

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

BENJAMIN L. EAGLE

PETITIONER

v.

CASE NO. 5:12CV00444 KGB/BD

**DAVID EBERHARD, Director,
Arkansas Department of Community Correction**

RESPONDENT

ORDER

The Court has reviewed the Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere (Dkt. No. 30). In addition, the Court has considered Benjamin L. Eagle’s objections to the Recommendation, including but not limited to his objections (Dkt. No. 31), his motion to amend or correct his objections (Dkt. No. 32), his motion for relief from judgment and call for evidentiary hearing (Dkt. No. 33), the Respondent’s response to the motion for relief from judgment and call for evidentiary hearing (Dkt. No. 34), and Mr. Eagle’s reply to the response to the motion for relief from judgment and call for evidentiary hearing (Dkt. No. 36), his amended brief in support of objections (Dkt. No. 36), his corrected brief in support of objections (Dkt. No. 37), what is his second corrected brief in support of his objections (Dkt. No. 38), his motion to amend or substitute a party or parties of interest (Dkt. No. 39), his motion for directed verdict (Dkt. No. 40), the Respondent’s response to the motion for directed verdict (Dkt. No. 41), and his reply to the response to the motion for directed verdict (Dkt. No. 41), and has reviewed *de novo* those portions of the Recommendation to which Mr. Eagle objects. This Court has subject matter jurisdiction over this action. After careful consideration, this Court adopts the Recommendation as its own.

Mr. Eagle's petition for writ of habeas corpus is denied and dismissed, with prejudice (Dkt. No. 4). His motion for relief from judgment and call for evidentiary hearing (Dkt. No. 33), his motion to amend or substitute a party or parties of interest (Dkt. No. 39), and his motion for directed verdict (Dkt. No. 40) are denied as moot.

When entering a final order adverse to a habeas corpus petitioner, the Court must issue or deny a certificate of appealability. Rule 11 of the Rules Governing Section 2254 Cases. A certificate of appealability may issue only if a petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). In this case, there is no basis for this Court to issue a certificate of appealability. Accordingly, a certificate of appealability is denied. Based upon the Court's determination in regard to the Recommendation and the certificate of appealability, this Court denies as moot Mr. Eagle's motion for leave of Court to pursue writ of mandamus and interlocutory appeal (Dkt. No. 43).

IT IS SO ORDERED, this 4th day of October, 2013.


KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE